

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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United States of America,

Plaintiff(s),  
-against-

**REPORT AND  
RECOMMENDATION**  
CV 10-1520 (ADS) (WDW)

Robert P. Griggs,  
Defendant(s).

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**WILLIAM D. WALL, United States Magistrate Judge:**

Before the court on referral from District Judge Spatt is the determination of default damages in this action. On September 7, 2010, Judge Spatt entered a default judgment and referred the damages issues to me. On September 10, 2010, I directed the plaintiff to either submit additional papers in support of the damages application, or to inform the court in writing that it would rely on the prior motion papers and to provide a courtesy copy of those papers to me, by October 29, 2010. The plaintiff was further ordered to serve a copy of the September 10<sup>th</sup> order on the defendant and to file proof of service. As of the date of this Report and Recommendation, the plaintiff has not complied with any of the directives in the September 10<sup>th</sup> order and I recommend that no damages be awarded.

**OBJECTIONS**

A copy of this Report and Recommendation is being sent to counsel for the plaintiff by electronic filing on the date below. Plaintiff's counsel is directed to serve a copy of this Report on the defendants by certified mail, return receipt requested, and to fax a copy of it if possible, and to electronically file proof of service with the court. Any objections to this Report and Recommendation must be filed with the Clerk of the Court within 14 days. *See* 28 U.S.C. §636 (b)(1); Fed. R. Civ. P. 72; Fed. R. Civ. P. 6(a) and 6(d). Failure to file objections within this

period waives the right to appeal the District Court's Order. *See Ferrer v. Woliver*, 2008 WL 4951035, at \*2 (2d Cir. Nov. 20, 2008); *Beverly v. Walker*, 118 F.3d 900, 902 (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

Dated: Central Islip, New York  
December 7, 2010

/s/ William D. Wall  
WILLIAM D. WALL  
United States Magistrate Judge